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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,697	09/27/2001	Tarlochan Singh Dhadialla	A01115A (RH-0036)	4412

37978 7590 01/07/2005

RheoGene, Inc.
2650 Eisenhower Avenue
Norristown, PA 19403

EXAMINER

BRANNOCK, MICHAEL T

ART UNIT PAPER NUMBER

1646

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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123005

DATE MAILED:

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Commissioner for Patents

The reply filed on 9/14/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant was required to elect a single disclosed multiple modulation system for prosecution on the merits, see page 3 of the restriction/election requirement (mailed 10/3/03). The examiner admits that he does not feel confident that he understands Applicant's description of the elected species, i.e. there is no claim which is worded or would appear to fit Applicant's description of the species, however, it is clear that more than a single species of gene modulation system has been chosen, i.e. the response describes "a second gene modulation system", see line 9 of Applicant's reply. Applicant is encouraged to contact the examiner by telephone if there remains any confusion over the election requirement. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brannock, Ph.D., whose telephone number is (571) 272-0869. The examiner can normally be reached on Mondays through Fridays from 10:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, Ph.D., can be reached at (571) 272-0961. Official papers filed by fax should be directed to 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

MB

December 30, 2004

**ELIZABETH KEMMERER
PRIMARY EXAMINER**